

# Exhibit 5



E. EVANS WOHLFORTH, JR.  
Director

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June 15, 2022

**VIA EMAIL AND REGULAR MAIL**

Jeffrey J. Greenbaum, Esq  
SILLS CUMMIS & GROSS, P.C.  
One Riverfront Plaza  
Newark, New Jersey 07102

**Re: Johnson & Johnson Healthcare Systems, Inc. vs. Save on SP, LLC**

Dear Mr. Greenbaum:

As you are aware, this law firm represents defendant Save On SP, L.L.C. in the above-referenced matter. We write on consultation with our co-counsel Selendy Gay Elsberg to respond as promised to the substance of your several inquiries regarding the scheduling of discovery in this matter. You asked us to agree to a date for the conference required under Fed. R. Civ. P. Rule 26(f), stating that the Federal Rules require that the Rule 16 scheduling conference in this matter occur no later than July 24, 2022, and the Rule 26(f) conference occur no later than July 3, 2022.

Respectfully, we must decline to entertain proposals for dates for a Rule 26(f) conference at this time. Further, we do not believe that the Rules of Court require that we do so. Local Rule 16.1 specifically states that the Rule 16 conference shall be scheduled no later than 60 days from the filing of an initial Answer to the Complaint. As you are aware, Save On SP intends to file a Motion to Dismiss in response to the Complaint rather than an Answer and Local Rule 16.1 states that the Court may delay the Rule 16 conference if, as will be the case here, a dispositive motion is pending. Because the deadline for a Rule 26(f) conference is triggered by the Court's scheduling of the Rule 16 conference, the latest date to hold such a conference is at present not known. Finally, as a practical matter, we believe that any such conference would be premature, and thus unproductive, until the Court rules on Save On SP's forthcoming motion.

Thank you for your attention to this letter. All rights, privileges, objections and defenses with respect to the subject of this letter and otherwise are reserved and not waived. Please do not hesitate to contact me with any questions or concerns of if we may be of any service whatsoever.

Very truly yours,

A handwritten signature in black ink, appearing to read "E. Evans Wohlforth, Jr.", with a stylized flourish at the end.

E. Evans Wohlforth, Jr.

GIBBONS P.C.

Jeffrey J. Greenbaum, Esq.  
Sill, Cummis & Gross, P.C.  
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cc: Andrew R. Dunlap, Esq. (Via email only)  
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